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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,537	01/29/2004	Greg Smith	ELTE 02842 PTUS	5367
32233	7590	11/15/2005	EXAMINER	
STORM L.L.P. BANK OF AMERICA PLAZA 901 MAIN STREET, SUITE 7100 DALLAS, TX 75202			DANG, HUNG XUAN	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/767,537	<b>Applicant(s)</b> SMITH, GREG	
	<b>Examiner</b> Hung X. Dang	<b>Art Unit</b> 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 12 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The amendment filed on 10/14/05 has been entered

### **Claims Rejection Under 35 USC - 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Ng** (6,474,810).

Ng discloses bridge for attaching auxiliary lenses which comprises a primary lens assembly 32 comprising a primary bridge 34 attached between primary lenses, an auxiliary lens assembly comprising 20, an auxiliary bridge 60 attached between auxiliary lenses 50, and the flange 36 on the front of the primary bridge, the auxiliary bridge 60 having an expandable clip (upper projection 62 and lower projection 64); and, whereas the clip of the auxiliary bridge 60 is expandable to engage the bridge of the primary bridge 34, further comprising: a leg portion 44 attached to each primary lens; a flange 36 on the front of the primary bridge 34, and whereas the clip is expandable onto the flange whereas the flange 36 is locatable in the clip in a complimentary fit of their respective cross-sectional perimeters, a protrusion 66 located on the auxiliary bridge, whereas the projection is a spherical segment, a projection 66 located on the auxiliary bridge, a complementary relief 40 located on the flange 36, whereas the protrusion 66 is

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locatable in the relief 40 when the clip is located on the flange and the flange 36 having a radiused end 38 and the clip having an interior radius 70, the radiused end 38 of the flange 36 being locatable in the interior radius 70 of the clip in a tight fit (complimentary fit) of their respective cross-sectional perimeters (at least see figure 2 and column 4, lines 34-41.)

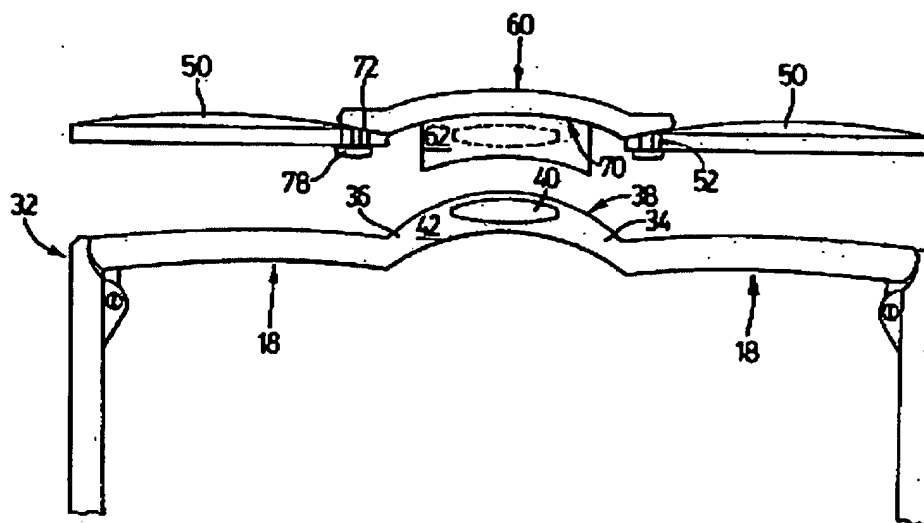
### Response To Applicant's Argument

3. Applicant's arguments filed 10/14/05 have been fully considered but they are not persuasive.

Applicant argued that Ng does not teach the radiused end 38 of the flange 36 being locatable in the interior radius 70 of the clip in complimentary fit of their respective cross-sectional perimeters.

This argument is not persuasive because in column 4, lines 34-41 of Ng (6,474,810) states:

35 As best seen in FIG. 1, primary bridge 34 has a ridge front  
face 38 which forms a tight fit with auxiliary bridge face 70  
when the auxiliary bridge is assembled with the primary  
spectacles. This tight fit prevents rotation of the bridge off its  
vertical axis, which could cause rattling when the assembled  
40 apparatus of the invention is being used by a wearer during  
vigorous activity.



**FIG. 2**

U.S. Patent  
Nov. 4, 2003  
Sheet 2 of 4  
US 6,474,810 B1

As show in figure 2 and column 4, lines 34-41 above, the radiused end 38 of the flange 36 being locatable in the interior radius 70 of the clip in a tight fit (complimentary fit) of their respective cross-sectional perimeters. Therefore, the claimed invention does not distinguish over the Ng (6,474,810).

4. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (571) 272-2326.

10/05



HUNG DANG

PRIMARY EXAMINER

TC 2800